



General Assembly

**Substitute Bill No. 318**

February Session, 2004

\* \_\_\_\_\_SB00318HS\_\_\_\_\_041304\_\_\_\_\_\*

**AN ACT CONCERNING NURSING HOME STAFFING LEVELS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-522 of the general statutes, as amended by  
2 section 74 of public act 03-278, is repealed and the following is  
3 substituted in lieu thereof (*Effective October 1, 2004*):

4 (a) The commissioner shall adopt regulations, in accordance with  
5 chapter 54, concerning the health, safety and welfare of patients in  
6 nursing home facilities, classification of violations relating to such  
7 facilities, medical staff qualifications, record-keeping, nursing service,  
8 dietary service, personnel qualifications and general operational  
9 conditions. The regulations shall: (1) Assure that each patient admitted  
10 to a nursing home facility is protected by adequate immunization  
11 against influenza and pneumococcal disease in accordance with the  
12 recommendations of the National Advisory Committee on  
13 Immunization Practices, established by the Secretary of Health and  
14 Human Services; (2) specify that each patient be protected annually  
15 against influenza and be vaccinated against pneumonia in accordance  
16 with the recommendations of the National Advisory Committee on  
17 Immunization; and (3) provide appropriate exemptions for patients for  
18 whom such immunizations are medically contraindicated and for  
19 patients who object to such immunization on religious grounds.

20 (b) (1) As used in this subsection, "direct care" means hands-on-care

21 provided to residents of nursing home facilities, including, but not  
22 limited to, feeding, bathing, toileting, dressing, lifting and moving  
23 such residents, but does not include food preparation, housekeeping or  
24 laundry services, except when such services are required to meet the  
25 needs of any such resident on an individual situational basis.

26 (2) On and after October 1, 2005, the Department of Public Health  
27 shall not issue a license to or renew the license of a nursing home  
28 facility unless such facility maintains, in accordance with this  
29 subdivision, the direct care provider staffing levels needed to provide  
30 continuous twenty-four-hour direct care services to meet the needs of  
31 each resident in such facility.

32 (A) For the period from October 1, 2005, to September 30, 2006, each  
33 nursing home facility shall maintain direct care provider staffing levels  
34 at or above the following levels:

35 (i) During the day shift, one full-time employee for each ten  
36 residents;

37 (ii) During the evening shift, one full-time employee for each fifteen  
38 residents; and

39 (iii) During the night shift, one full-time employee for each twenty  
40 residents.

41 (B) For the period from October 1, 2006, to September 30, 2007, each  
42 nursing home facility shall maintain direct care provider staffing levels  
43 at or above the following levels:

44 (i) During the day shift, one full-time employee for each seven  
45 residents;

46 (ii) During the evening shift, one full-time employee for each twelve  
47 residents; and

48 (iii) During the night shift, one full-time employee for each  
49 seventeen residents.

50     (C) On and after October 1, 2007, each nursing home facility shall  
51 maintain direct care provider staffing levels at or above the following  
52 levels:

53     (i) During the day shift, one full-time employee for each five  
54 residents;

55     (ii) During the evening shift, one full-time employee for each ten  
56 residents; and

57     (iii) During the night shift, one full-time employee for each fifteen  
58 residents.

59     (3) Any licensed nursing home facility that fails to comply with the  
60 minimum staffing requirements of subdivision (2) of this subsection on  
61 any day shall submit a report to the department identifying the day  
62 and the shift during which such noncompliance occurred and  
63 specifying the reasons for and circumstances surrounding such  
64 noncompliance. The report required by this subdivision shall be  
65 submitted on a quarterly basis. If such facility fails to submit the report  
66 required by this subdivision or intentionally misrepresents the  
67 information contained in any such report, or if the commissioner  
68 determines that there is sufficient evidence to support a finding that  
69 there exists a pattern of noncompliance by such facility with the  
70 minimum staffing requirements of subdivision (2) of this subsection,  
71 the commissioner may take action against such facility in accordance  
72 with sections 19a-524 to 19a-528, inclusive.

73     [(b)] (c) Nursing home facilities may not charge the family or estate  
74 of a deceased self-pay patient beyond the date on which such patient  
75 dies. Nursing home facilities shall reimburse the estate of a deceased  
76 self-pay patient, within sixty days after the death of such patient, for  
77 any advance payments made by or on behalf of the patient covering  
78 any period beyond the date of death. Interest, in accordance with  
79 subsection (a) of section 37-1, on such reimbursement shall begin to  
80 accrue from the date of such patient's death.

This act shall take effect as follows:
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Section 1	<i>October 1, 2004</i>
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**AGE**      *Joint Favorable Subst. C/R*      PH

**PH**      *Joint Favorable*

**HS**      *Joint Favorable*